

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC  
WASHINGTON, DC 20004-2401 NEW YORK  
TEL 202.662.6000 LONDON  
FAX 202.662.6291 BRUSSELS  
WWW.COV.COM SAN FRANCISCO



PAUL J. BERMAN  
TEL 202.662.5468  
FAX 202.778.5468  
PBERMAN@COV.COM

GP 2611

#4

W. Layson  
1/19/01

December 20, 2000

Commissioner for Patents  
Washington, D.C. 20231

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DEC 26 2000

Technology Center 2600

Re: U.S. Utility Patent Application  
Appl. No. 09/488,275; Filed: January 20, 2000  
For: **Video, Data and Telephony Gateway**  
Inventors: Thomas R. Eames and Charles A. Eldering  
Our Ref: 25684.104B.US

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Original executed Power of Attorney from Assignee;
2. Original executed Certificate Under 37 C.F.R. § 3.73(b) with Assignment; and
3. Return receipt postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

It is applicants' belief that no fee is due for this submission; however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740 referencing docket number 25684.104B.US. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Berman".

Paul J. Berman (Reg. No. 36,744)

Enclosures

## POWER OF ATTORNEY FROM ASSIGNEE

Next Level Communications, L.P., a corporation of Delaware, having a principal place of business at 6085 State Farm Drive, Rohnert Park, California 94928, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on June 24, 1998 and July 14, 1998 of an invention known as Video, Data and Telephony Gateway (Attorney Docket No. 25684.104B.US), which is disclosed and claimed in a patent application of the same title by the inventor(s) Thomas R. Eames and Charles A. Eldering (said application filed on January 20, 2000 at the U.S. Patent and Trademark Office, having Application Number 09/488,275).

The Assignee hereby appoints the following U.S. attorneys, and the entire firm of Covington & Burling as its attorneys, to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith:

Paul J. Berman, Reg. No. 36,744

Andrea G. Reister, Reg. No. 36,253

Jeannie M. Perron, Reg. No. 31,180

Thomas W. Krause, Reg. No. 40,335

Richard P. Dulik, Reg. No. 40,598

Ann O. McGeehan, Reg. No. 45,839

Grady L. White, Reg. No. 40,874

Henry P. Ting, Reg. No. 46,278

The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

Patent Docketing  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2401

Direct phone calls to 202-662-6000.  
Facsimile: 202-662-6291

FOR: Next Level Communications, L.P.

SIGNATURE: \_\_\_\_\_

BY: James Wandrey

TITLE: Chief Financial Officer

DATE: 12/15/00

Certificate Under 37 C.F.R. § 3.73(b)



Applicant(s): Thomas R. Eames and Charles A. Eldering

Application No: 09/488,275 Filed: January 20, 2000

For: Video, Data and Telephony Gateway

Next Level Communications, L.P., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9321, Frame 0283, or for which a copy thereof is attached.

[or]

B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

To the best of the undersigned's knowledge and belief, title of the patent application identified above is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/15/00

Name: James Wandrey

Title: Chief Financial Officer

Signature: 12/15/00

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## ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of One Dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged,

ASSIGNOR(S):

Name	Address
Thomas R. Eames	5206 Pressley Road, Santa Rosa, CA 95404
Charles A. Eldering	315 Hedgerow Lane, Doylestown, PA 18901

hereby sells, assigns and transfers to

ASSIGNEE:

Name	Address
<del>Next Level Communications</del>	6085 State Farm Drive, Rohnert Park,
Next Level Communications L.P.	CA 94928

and the successors, assigns and legal representatives of the ASSIGNEE, the entire right, title and interest for the United States and its territorial possessions, and in all foreign countries, including all rights to claim priority, in and to the invention entitled:

VIDEO, DATA AND TELEPHONY GATEWAY

invented by Thomas R. Eames [INVENTOR(S)] and which is found in

- ☐ the U.S. patent application executed on even date herewith;
- ☐ the U.S. patent application executed on ;
- ☒ the U.S. patent application no. 09/026, 036, filed on 19 FEB 1998;
- ☐ the U.S. patent no. issued on ;

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and, in and to all Letters Patent, both foreign and domestic, to be obtained for said invention by the above application or any continuation, division, renewal, continuation-in-part or substitute thereof, and as to Letters Patent and any reissue or re-examination thereof, and to any legal equivalent thereof in a foreign country, including, the right to apply for patents and inventor certificates in respect thereof, the right to claim priority, and all patents, patents of addition, utility models, patents of importation, revalidation patents and inventor certificates which may be granted throughout the world in respect of the invention.

ASSIGNOR(S) hereby authorizes ASSIGNEE or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for the recordation of this document.

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR(S) further covenants and agrees that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR(S), and that ASSIGNOR(S) will, at ASSIGNEE's expense, testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE, its assigns or its legal representatives, without further or additional consideration, any and all papers, instruments or affidavits required, render all necessary assistance, and do such additional acts as ASSIGNEE may deem necessary or desirable, to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

ASSIGNOR(S) hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent referred to above to ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE's sole use and benefit, and for the use and benefit of ASSIGNEE's legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR(S) had this assignment and sale not been made.

The parties agree that the foregoing covenants and obligations shall bind and inure to the benefit of the heirs, assigns and legal representatives of both parties.

Name: Thomas R. Eames

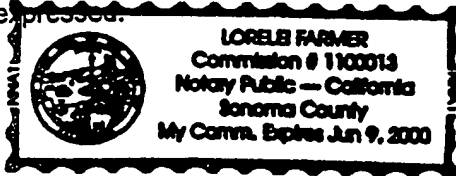
TR E  
Signature

Date: 6-24-98

State of  
County of

California  
Sanoma

Before me this 24<sup>th</sup> day of June 1998, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes therein expressed.



Lorelei Farmer  
Notary Public

Name: Charles A. Eldering

Chal A Eld  
Signature

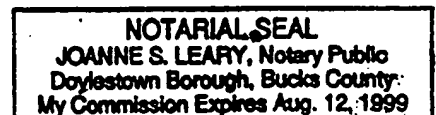
Date: 07-14-98

State of  
County of

Pennsylvania  
BUCKS

Before me this 14<sup>th</sup> day of July 1998, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes therein expressed.

Joanne S. Leary  
Notary Public



Name:

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

State of  
County of

\_\_\_\_\_  
\_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personally appeared the above named individual, to me known to be the person who is described in, and who executed the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes therein expressed.

\_\_\_\_\_  
Notary Public